

LABOUR DEPARTMENT

The 19th March, 1976

No. 1563-4Lab-76/8034.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s The Superintending Engineer, Haryana State Electricity Board (Op. Circle) Hissar.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 43 of 1972

between

SHRI DHANPAT RAI WORKMAN AND THE MANAGEMENT OF M/S THE
SUPERINTENDING ENGINEER, HARYANA STATE ELECTRICITY BOARD,
(OP. CIRCLE) HISSAR

AWARD

By order No. ID/HSR/102-A-71/2713, dated 2nd February, 1972, the Governor of Haryana, referred the following dispute between the management o M/s The Superintending Engineer, Haryana State Electricity Board (Op. Circle), Hissar and its workman Shri Dhanpat Rai to this Labour Court, in exercise of the power conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Dhanpat Rai was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in response to the usual notices of reference sent to them.

The Haryana State Electricity Board being a statutory body is entitled to sue and liable to be sued. This reference impleading Superintending Engineer, Haryana State Electricity Board Operation Circle, Hissar instead of Haryana State Electricity Board is thus obviously bad in law. I, therefore, hold that the Superintending Engineer actually implead as a party is neither a proper nor necessary party in the case and the reference should have been made while impleading the Haryana State Electricity Board as a party.

I thus hold that the reference impleading the Superintending Engineer as a party is bad in law and the workman is not entitled to any relief. I accordingly answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 353, dated 4th February, 1976.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Rohtak.

No. 1572-4-Lab-76/8036.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/S. Mahalaxmi Industries , 0/22 Industrial Area, Bahadurgarh (Rohtak).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 172 of 1970

between

SHRI LAL MANI, WORKMAN AND THE MANAGEMENT OF M/S. MAHALAXMI INDUSTRIES,
O/22, INDUSTRIAL AREA, BAHADURGARH (ROHTAK)

AWARD

By order No. ID/RK/174-A-70/29783, dated the 23rd September, 1970 the Governor of Haryana, referred the following dispute between the management of M/s. Mahalaxmi Industries, O/22, Industrial Area, Bahadurgarh (Rohtak) and its workman Shri Lal Mani to this Labour Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Lal Mani was justified and in order ? if not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them.

The workman alleged, —*vide* statement of claim filed by him that on his reporting for duty on 2nd July, 1970 the management declined to give him work and thus terminated his services illegally without assigning any reason and without holding any inquiry.

The management—*vide* written statement filed by them, pleaded that an application made by the workman on 5th May, 1970 for grant of leave for one month with effect from 8th May, 1970 was rejected on the ground that the leave applied for was not at his credit and that he (workman) refused to sign the order of rejection of his application and absented himself from duty with effect from 8th May, 1970. They stated that the workman did not join duty even on 8th June, 1970 after expiry of the period of the leave applied for by him and that he was informed,—*vide* letter dated 20th June, 1970 that his name had been struck off on that date on account of his continued absence and that he did not even care to reply this letter. They set up a case that the workman had absented himself even prior to his making his application, dated 5th May, 1970. The management took a legal preliminary objection that the appointment of Shri P. N. Thukral, the then Presiding Officer of the Labour Court was in violation of the provision of law and as such the reference made to him was bad in law.

The workman reiterated the allegation made by him in the statement of claim,—*vide* rejoinder filed by him and controverted the plea of the management. He stated that he proceeded on leave for one month with effect from 8th May, 1970 after the same had been duly sanctioned and that he applied for extension of his leave from his home and presented himself for duty on 2nd July, 1970.

The preliminary legal objection taken by the management in respect of the appointment of Shri P. N. Thukral as Presiding Officer of the Labour Court in violation of the provisions of law, was decided against them,—*vide* order dated 16th March, 1971 and issue on merits of the case in terms of the dispute stated above was framed.

The management examined Shri Shamsher Singh one of their partner, as M. W. 1, in support of the pleas taken by them. He fully corroborated the case of the management with reference to the documents Exhibit M. W. 1/1 to Exhibit M. W. 1/5 and deposed that the workman refused to sign an order of rejection Exhibit M. W. 1/1B of his application Exhibit M. W. 1/1 for grant of leave from 8th May, 1970 to 7th June, 1970 and that a letter dated 20th June, 1970 Exhibit M. W. 1/2 was sent to him informing him about the termination of his service with effect from that date as a result of his continued absence. He also gave out that on an application Exhibit M. W. 1/5 made by the workman on 7th April, 1969 for grant of leave for one month from 8th April, 1969, his leave for a period of 15 days only was sanctioned and that he refused to sign the order of sanction of his leave for 15 days only.

Shri Lal Mani, workman appearing as his own witness admitted the receipt of letter Exhibit M. W. 1/2. He did not admittedly sent any reply of this letter to the management. His plea that the leave applied for by him had been sanctioned and that he had prayed for an extension of his leave from home under the circumstances is open to doubt. If the leave applied for had been duly sanctioned and he had prayed for extension of the leave he must have taken objection to the termination of his services,—*vide* letter Exhibit M. W. 1/2 dated 20th June, 1970 and his failure to do so till 2nd July, 1970 leads to an inference that the story put forth by him is incorrect. He could not even substantiate his statement that he prayed for extension of his leave, —*vide* telegramme. The explanation tendered by him that the receipt supplied to him by the telegraph office had been attached with the record of the Conciliation Officer also remained unestablished inasmuch as he failed to summon the aforesaid record to prove his stand in this connection. His further statement that he sent a medical certificate relating to

his ailment to the management under registered cover also remained uncorroborated inasmuch, as, one postal receipt or acknowledgement receipt of the registered letter allegedly sent to the management was produced by him. He did not examine the medical officer who gave him treatment during the period of his alleged ailment commencing from 8th June, 1970. Considered from any angle his solitary statement that the leave of one month applied for by him was duly sanctioned and that he prayed for extension of his leave from home with effect from 8th June, 1970 and that he sent a telegram and a medical certificate to the management under registered cover, in absence of any corroborative evidence cannot relied upon, particularly when the documentary evidence in his possession or power was withheld leading to an inference against him.

The case as set up by the management on the other hand is found well substantiated by the documents Exhibit M. W. 1/1, Exhibit M. W. 1/2, and Exhibit M. W. 1/5 and the admitted circumstances of the failure of the workman to reply the letter Exhibit M. W. 1/2.

I thus relying on the statement of Shri Shamsher Singh and disbelieving that of the workman hold that the management struck off the name of the later on account of his continued absence from duty from 8th May, 1970 to 20th June, 1970 without permission. I decide the issue framed on merits of the case in favour of the management. The result is that the workman is not entitled to any relief.

I therefore answer the reference while returning the award in terms of my findings made upon.

Dated the 3rd February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana.
Rohtak.

No. 338, dated the 4th February, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 4th February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rahtak.

The 22nd March, 1976

No. 987-4Lab-76/8174.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Golden Metal Industries, Chotti Line, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 49 of 1975

between

SHRI SAT PAUL, WORKMAN AND THE MANAGEMENT OF M/S GOLDEN METAL INDUSTRIES, CHOTTI LINE, JAGADHRI

AWARD

By order No. ID/AMB/380-C-75/37133, dated 27th June, 1975 the Governor of Haryana, referred the following disputes between the management of M/s Golden Metal Industries, Chhotti Line, Jagadhri and its workman Shri Sat Paul to this Court in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Sat Paul, son of Shri Karu Ram was justified and in order? If not, to what relief is he entitled?

The parties appeared in this Court in response to the usual notices of reference sent to them.

Shri Surinder Kumar authorised representative for the workman made a statement withdrawing the demand raised by the workman on the management leading to this reference on the ground that the workman did not take interest in pursuing the same despite being asked to do so.

It would thus appear that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,

Dated the 15th November, 1976.

Presiding Officer,
Labour Court, Rohtak.

No. 204, dated the 24th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Rohtak.

The 22nd March, 1976

No. 1281-4Lab-76/8176. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Hindustan Wires Limited, 267-268, Sector-24, Faridabad.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD**

Reference No. 44 of 1975

between

**SHRI KAILASH SINGH WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN WIRES
LIMITED, 267-268, SECTOR-24, FARIDABAD**

AWARD

By order No. ID/FD/74/11138, dated 19th July, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Hindustan Wires Limited, 267-268, Sector-24, Faridabad and its workman Shri Kailash Singh to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Kailash Singh was justified and in order ? If not, to what relief is he entitled ?

The workman put in his appearance in this Tribunal on 8th May, 1975 through his authorised representative Shri Sagar Ram Gupta in response to the usual notice of reference sent to him and filed his statement of claim.

The management being not served with the notice of reference on that date, a fresh notice was directed to be issued for their service. The next date of hearing as fixed in the reference being 10th July, 1975 when I had just taken over as Presiding Officer, Industrial Tribunal, I directed that fresh notice of reference be sent to the parties for 19th August, 1975. I being not able to come on tour to Faridabad on 19th August, 1975 due to the work fixed at Bhiwani on that date, fresh notices were directed to be issued to the parties for 8th October, 1975.

The workman did not appear on that date despite being served with a notice of reference and the management put in their appearance through their authorised representative Shri H.R. Dua. The *ex parte* proceedings were taken up against the workman and the management were directed to adduce their *ex parte* evidence on 19th January, 1975 at Faridabad.

Neither the workman nor the management put in their appearance on 19th January, 1975 leading to a conclusion that there was no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in terms of my findings made above.

Dated, the 19th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 121, dated 24th January, 1976.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 29th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 984-4-Lab-76/8178.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Punjab Metal Trading Company, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, ROHRAK.

Reference No. 90 of 1974

between

SHRI KRISHAN LAL WORKMAN AND THE MANAGEMENT OF M/S PUNJAB METAL TRADING COMPANY, JAGADHRI

AWARD

By order No. ID/AMB/241-F-74/39380, dated 6th December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Punjab Metal Trading Company, Jagadhri and its workman Shri Krishan Lal to this Labour Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Krishan Lal was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in response to the usual notices of reference sent to them.

Shri Surinder Kumar authorised representative for the workman made a statement on 13th January, 1976 withdrawing the demand on the ground that a mutual settlement had been made between the parties relating thereto.

It would thus appear that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Rohtak.

Dated, the 19th January, 1976.

Endorsement No. 206, dated the 24th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Rohtak.

No. 1280-4Lab-76/8180.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Anto Electrical Private Limited, 5-D/8-E, Railway Road, NIT,

Faridabad : —

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Reference No. 158 of 1974

*between*SHRI KRISHAN KUMAR WORKMAN AND THE MANAGEMENT OF M/S AUTO
ELECTRICAL PRIVATE LIMITED, 5-D/8-E, RAILWAY ROAD, N.I.T.,
FARIDABAD

AWARD

By order No. ID/FD/74/35574, dated 17th October, 1974, the Governor of Haryana, referred the following dispute between the management of M/s. Auto Electrical Private Limited, 5-D/8-E, Railway Road, N.I.T., Faridabad and its workman Shri Krishan Kumar to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Krishan Kumar was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance before me in response to the usual notices of reference sent to them.

Shri Madhu Sudan Saran Cowshish authorised representative for the workman made a statement on 19th January, 1976 withdrawing the demand raised by the workman on the management, on the ground that no concern by the name and style of M/s Auto Electrical Private Limited, impleaded as a party in the reference existed in Faridabad and that the demand had been raised on such a management not in existence wrongly.

I thus in view of the aforesaid statement hold that the reference made to this Tribunal impleading M/s. Auto Electrical Private Limited not in existence is bad in law and the workman is not entitled to any relief.

I answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,

Dated the 29th January, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 120, dated 29th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 29th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1190-4Lab-76/8182.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Frick India Ltd., 13/3, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 2 of 1972

*between*THE WORKMEN AND THE MANAGEMENT OF M/S FRICK INDIA LTD., 13/3, MATHURA
ROAD, FARIDABAD

AWARD

By order No. ID/FD/324-F-71/380, dated 5th January, 1972, the Governor of Haryana, referred the following dispute, between the management of M/s Frick India Ltd., 13/3, Mathura Road, Faridabad and its

workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :-

- (1) Whether the management should pay bonus to the workers for the year 1969-70 ? If so, with what details ?
- (2) Whether the workers should be granted sick leave as provided in Punjab Industrial Establishment (National and Festival and Casual and Sick Leave) Act, 1965, over and above the sickness benefit provided under Employees State Insurance Act ? If so, with what details ?
- (3) Whether the management should fix grades and scales of pay of the workmen ? If so, with what details ?

The parties appeared in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings. The necessary issues were framed as under :-

- (1) Whether the demand the subject matter of the present reference were first raised on the management and rejected by it before the reference ? If not, with what effect ? (on workmen).
- (2) Whether the present dispute has been properly espoused ? If not, with what effect ? (workmen).
- (3) Whether the demand covered by item No. 3 of the reference is barred by *res judicata* on account of the previous award, dated 1st June, 1970 between the parties ?
- (4) Whether the management should pay bonus to the workers for the year 1969-70 ? If so, with what details ?
- (5) Whether the workers should be granted sick leave as provided in Punjab Industrial Establishment (National and Festival and Casual and Sick Leave) Act, 1965, over and above the sickness benefit provided under Employees State Insurance Act ? If so, with what details ?
- (6) Whether the management should fix grades and scales of pay of the workmen ? If so, with what details ?

Shri Darshan Singh authorised representative for the workmen made a statement on 19th January, 1976 that he had no instructions to pursue the reference. The burden to prove the demand raised by the workmen on the management leading to the reference being squarely on the workmen, the same remained undischarged in view of the Statement of Shri Darshan Singh referred to above. This led to a further inference that the workmen were not interested in pursuing their demand.

I thus hold that there is now no dispute between the parties requiring adjudication and answer the reference while returning the award in terms of the findings made by me above.

Dated the 27th January, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 101, dated the 27th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 27th January, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1284-4Lab-76/8184.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Everest Steel Fabricators, Tigaon Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 210 of 1974

between

SHRI HARI CHARAN, WORKMAN AND THE MANAGEMENT OF M/S EVEREST STEEL FABRICATORS, TIGAON ROAD, FARIDABAD

AWARD

By order No. ID/FD/74/40220, dated 10th December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Everest Steel Fabricators, Tigaon Road, Faridabad

and its workman Shri Hari Charan to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Hari Charan was justified and in order? If not, to what relief is he entitled?

The parties appeared before me in response to the usual notice of reference sent to them and filed their pleadings. Necessary issues were framed:—

- (1) Whether the services of the workman were justly terminated?
- (2) Whether the dispute in question was raised with the management? If not, to what effect?
- (3) Whether the workman is gainfully employed since the date of his leaving the respondent service.
- (4) Whether the Authority under the Payment of Wages Act found in favour of the management in a dispute between the parties that the workman resigned his job?
- (5) If yes, whether this finding does not operate as a *res judicata* in these proceedings?

The parties arrived at an amicable settlement and made their statements on 22nd January, 1976 before whereby the management agree to pay a sum of Rs. 300 to the workman in full and final settlement of all his claim leading to this reference.

It would thus appear that there is now no dispute between the parties required adjudication. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,

Dated the 29th January, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 122, dated the 29th January, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN.

Dated the 29th January, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1274-4Lab-76/8186.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Hompro Industries, 11/7, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 20 of 1975
between

SHRI LALAI RAM, WORKMAN AND THE MANAGEMENT OF M/S HOMPRO INDUSTRIES,
11/7 MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/74/1229/2739, dated 20th January, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Hompro Industries, 11/7 Mathura Road, Faridabad and its workman Shri Lalai Ram to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Lalai Ram was justified and in order? If not, to what relief is he entitled?"

The parties put in their appearance before me in response to the usual notices of reference sent to them and filed their pleadings.

The workman, however, absented himself on 18th December, 1975 despite being directed to be present on that date,—*vide* my order dated 26th September, 1975 with the result that the *ex parte* proceedings were taken up against him.

The management in *ex parte* evidence examined Shri B.K. Malhotra their partner, who deposed with reference to the attendance register of the employees brought by him that the workman remained absent from duty during the period from 11th October, 1974 to 17th October, 1974 and submitted his resignation Ex. M-1, resigning his job on 17th October, 1974. He added that he received his dues payable to him till 10th October, 1974,—*vide* voucher Ex. M-2 in his presence.

I see no reason to disbelieve the statement of Shri B.K. Malhotra particularly when the workman suffered *ex parte* proceedings and did not take care to pursue his demand raised by him on the management leading to this reference. The statement of Shri B.K. Malhotra is otherwise found corroborated by the documentary evidence referred to above.

I accordingly relying on the evidence of Shri B.K. Malhotra and the documents brought by him on record hold that the workman resigned his job voluntarily of his own accord after he remained absent from duty during the period from 11th October, 1974 to 16th October, 1974 and that this is not a case of termination of his service by the management and that he is not entitled to any relief.

I accordingly answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 29th January, 1976.

Endorsement No. 118, dated the 29th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer.
Industrial Tribunal, Haryana,
Faridabad.

Dated the 29th January, 1976.

No. 1283-4Lab-76 8188. - In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Rattan Chand-Harjas Rai (Molding) Private Limited, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 14 of 1974

between

SHRI KADHERA SINGH, WORKMAN AND THE MANAGEMENT OF M S RATTAN CHAND-HARJAS RAI (MOLDING) PRIVATE LIMITED, FARIDABAD

AWARD

By order No. ID/FD/73/5357, dated the 4th March, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Rattan Chand-Harjas Rai (Molding) Private Limited, Faridabad and its workman Shri Kadhera Singh to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 : -

Whether the termination of services of Shri Kadhera Singh was justified and in order ? If not, to what relief is he entitled ?

The parties appeared in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed, *vide* order, dated 1st July, 1974 : -

- (1) Whether it is a case of self abandonment of service by the workman concerned as alleged in the written statement on management ?

(2) In case issue No. 1 is not proved whether the termination of services of Shri Kadhera Singh was justified and in order? If not, to what relief is he entitled?

The parties led their evidence on the aforesaid issues and arguments were heard by my learned predecessor Shri O. P. Sharma on 4th October, 1974. The award could however be not dictated by Shri O. P. Sharma and on expiry of his term as Presiding Officer, Industrial Tribunal, I took over charge as his successor on 10th July, 1975. I issued notices to the parties for rehearing of the case.

Whereas the management put in their appearance on 16th December, 1975, through Shri R. C. Sharma their authorised representative in response to the notices, none appeared for the workman despite service. The management relied upon a settlement Exhibit R-1 alleged to have been arrived at between the parties on 24th December, 1974. They examined Shri Harish Chand an Assistant with them in the personnel department and a signatory to the settlement Exhibit R-1 as a witness in order to prove the settlement. He deposed that Shri Kadhera Singh workman concerned signed the settlement Exhibit R-1 in his presence while admitting it to be correct. I see no reason to disbelieve his statement particularly when the workman concerned did not turn up in response to the notices sent to him. I accordingly believe his evidence and hold that the settlement Ex. R-1 was duly signed by the workman after admitting it to be correct on 24th December, 1974.

I find on perusal of the settlement Exhibit R-1 that the workman relinquished all his rights if any under the demand raised by him on the management leading to the reference and his claim for gratuity, leave with wages and wages, on payment of Rs 672.68. I further believe the statement of Shri Harish Chand that he actually received the aforesaid amount,—vide voucher duly signed by him, copy whereof is Exhibit R-2.

It would thus appear that all claims of the workmen have since been satisfied and there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

Dated the 29th January, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

No. 117, dated 29th January, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 29th January, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1189-4Lab-76/8190.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the management of M/s Arch Industries Corporation, 13/3, Mathura Road, Faridabad:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 12 of 1974

Between

SHRI RAMESH CHANDER WORKMAN AND THE MANAGEMENT OF M/S ARCH INDUSTRIES CORPORATION, 13/3, MATHURA ROAD, FARIDABAD.

AWARD

By order No. ID/FD/73/5363, dated 4th March, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Arch Industries Corporation, 13/3, Mathura Road, Faridabad, and its workman Shri Ramesh Chander, to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Ramesh Chander was justified and in order? If not, to what relief is he entitled?

The parties appeared in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues:-

- (1) Whether the workman concerned had submitted resignation and received his dues in full and final settlement of his entire claim against the management (on management) ?
- (2) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect?
- (3) Whether the termination of services of Shri Ramesh Chander was justified and in order? If not, to what relief is he entitled?

Shri H. R. Dua made a statement on 20th January, 1976, that he had no instruction to pursue the case on behalf of the management. Shri Roshan Lal authorised representative for the workman also closed his case on that date.

It would appear that the pleas of the management covered by issue Nos. 1 and 3 remained unproved in absence of any evidence in support thereof. I accordingly decide both these issues against the management.

I held,— *vide* my order dated 10th October, 1975 made in reference S. S. Sethi *Versus* M/s Kirlosker Oil Engine, Mathura Road, Faridabad, that it was no longer necessary for the workman to serve a demand notice directly on the management and for the latter to reject it before the matter was taken to the Conciliation Officer, for constituting an industrial dispute. I for the reasons stated in that order hold and decide issue No. 2 accordingly.

The result is that the order of termination of the service of the workman is proved to be unjustified and the latter is entitled to reinstatement with continuity of service and full back wages. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 97 dated the 27th January, 1976

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 22nd/24th March, 1976

No. 1475-4Lab-76/8192.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Schmag Bright Steel, Plot No. 109, Sector 24, Faridabad:-

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 131 of 1974

Between

The workmen and the management of M/s Schmag Bright Steel, Plot No. 109, Sector -24, Faridabad

AWARD

By order No. ID/FD/650/15166, dated the 1st June, 1974, the Governor of Haryana referred the following dispute between the management of M/s Schmag Bright Steel, Plot No. 109, Sector 24, Faridabad, and

its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of workmen named below was justified and in order? If not, to what relief are they entitled?

- | | |
|---------------------|------------------------|
| 1. Raj Dev. | 14. Chhotte Lal. |
| 2. Ram Samuj No. 1. | 15. Badri Parshad. |
| 3. Naver Parshad. | 16. Manku Ram Parshad. |
| 4. Sitar Mohammad. | 17. Chhadi Parshad. |
| 5. Gaya Parshad. | 18. Munni Lal. |
| 6. Ram Asre. | 19. Ram Khilawan. |
| 7. Ram Parshad. | 20. Sham Dev. |
| 8. Aved Raj. | 21. Cholai. |
| 9. Shiv Nath. | 22. Ram Kewal. |
| 10. Vishwa Nath. | 23. Ram Samaj No. 2. |
| 11. Jai Ram. | 24. Ram Lal. |
| 12. Kolahal. | 25. Jawahar Lal. |
| 13. Mohd. Mustafa. | 26. Ram Brikish. |

Shri Ram Murti Sharma appearing on behalf of the workmen and Shri B.R. Grover for the management in response to the usual notices of reference sent to the parties concerned and filed their pleadings giving rise to the following preliminary legal issues framed,—*vide* my order dated 8th October, 1975:—

Whether a joint reference in respect of the demands made by the workmen referred to therein separately is bad in law and is liable to be quashed?

I heard arguments of the parties on the preliminary issue. The admitted facts of the case as found disclosed from the record are that each workmen in his individual capacity served a notice of demands on the management relating to his illegal termination of service with effect from 5th September, 1973, and his reinstatement. The Governor of Haryana made a joint reference in respect of the claim of all the workmen 26 in number, stated above. A copy of the reference was sent to the General Secretary, Faridabad Engineering Workers Union, Faridabad, treating it as a general dispute under section 10 of the Industrial Disputes Act and not an individual dispute under section 2-A of that Act.

The learned counsel for the management thus contended that each one of the workmen listed in the reference having raised an individual demand, the Governor of Haryana was not entitled in law to treat the dispute of all the 26 workmen as jointly made and had no jurisdiction to make a joint reference under section 10 of the Industrial Disputes Act. The argument of Shri Grover seems to have sufficient force, as would appear from the provision of section 2(k) 2(a) and 10 of the Industrial Disputes Act reproduced as under:

Section 2-K. “industrial dispute” means any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;

Section 2-A. Dismissal etc. of an industrial workman to be deemed to be an industrial dispute. — Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with or rising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.”

Section 10.—Reference of disputes to Boards, Courts or Tribunals. (1) Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order in writing

(d) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule to a Tribunal for adjudication.”

The Governor of Haryana could either have made a separate reference in respect of the demands raised by each workman individually or he could have made a joint reference relating to the demand of all these workmen with a copy to each one of them with a direction to prosecute the same, in view of the provisions of law stated above. He could not have referred the dispute arising from the demand made by the each workmen individually, jointly treating it as a general reference between the workmen and the management. The conclusion arrived at by me on the legal aspect of the matter is found supported, *vide* judgement of the Punjab and Haryana High Court in Civil Writ Petition No. 1671 of 1973 between British India Corporation Ltd; Vs. Mohd Sadiq and others reported in Haryana Labour Journal of April, 1974 at page 65.

I accordingly relying on theaforesaid judgement and the provisions of law stated above hold and decide the preliminary issue in favour of the management. The result is that the reference made to this Court between the workmen jointly and the management is bad in law and none of the workmen is entitled to any relief. I accordingly answer the reference while returning the award in terms of my findings made above.

Dated the 29th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

No. 186, Dated the 2nd February, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated the 2nd February, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

P. P. CAPRIHAN, Commissioner and Secy.

**PUBLIC WORKS DEPARTMENT
(PUBLIC HEALTH BRANCH)**

The 4th March, 1976

No. 1411-PWIU(I)-76/8633.—On the successful completion of their training, the following Assistant Engineers (Civil), under training, are hereby appointed as Assistant Engineers, in the P.W.D., Public Health Branch, with effect from the date shown against each, in the pay scale of 400—30—700/40—1,100.

Sr. No.	Name of officer	Date of completion of 3 months training
1	Shri Ramesh Chandra, Assistant Engineer and PA/SE Chandigarh	18th June, 1975 afternoon
2	Shri Mukesh C. Adya, Assistant Engineer	25th June, 1975 afternoon
3	Shri Satya Paul Mittal, Assistant Engineer and PA/SE Bhiwani	25th June, 1975 afternoon
4	Shri Sher Singh, S.D.E., P.H. Sub-Division, Jind	1st July, 1975 afternoon
5	Shri Subhash Chander Ahuja, Assistant Engineer	25th June, 1975 afternoon

*A. BANERJEE, Commissioner and Secy.

**PUBLIC WORKS DEPARTMENT
(BUILDINGS AND ROADS BRANCH)**

The 17th March, 1976

No. 14360-PW3(6)-75/10126.—On the successful completion of his training Shri Manohar Lal, temporary Assistant Engineer, Horticulture (under training) is appointed as Sub-Divisional Engineer, Horticulture Sub-Division No. 3, Faridabad in the time scale of Rs. 400—30—700/40—1,100 with effect from 3rd October, 1973 (Forenoon).

P. P. CAPRIHAN,
Commissioner and Secy.